



City of Santa Barbara
Building & Safety Division
**Non-Conforming
Reconstruction Ordinance**

Community Development
630 Garden Street
805-564-5485

28.87.038 Reconstruction of Damaged Nonconforming Structures.

A. Nonresidential Structures. (Not included in handout)

B. Residential Structures. Any nonconforming building or structure used for residential purposes, which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy may be restored or rebuilt and the occupancy and use may be continued or resumed provided the following conditions are met:

1. The amount of inside space (square footage) shall not be greater than the amount which existed in the damaged or destroyed buildings;

2. The number of dwelling units shall be not greater than the number existing prior to the damage or destruction;

3. In R-3, R-4, R-O, C-1, C-2, and C-M zones, the number of bedrooms per dwelling unit shall not be greater than the number existing prior to the damage or destruction;

4. The building setbacks shall not be less than those which existed prior to the damage or destruction;

5. The number of parking spaces shall be no less than the number of parking spaces in existence prior to the damage or destruction;

6. The building, plot and landscaping plans shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, or the City Council on appeal, if such review would normally be required, except as allowed in this Section;

7. Any such reconstruction, restoration or rebuilding shall conform to all applicable adopted Uniform Codes in effect at the time of reconstruction, unless otherwise excused from compliance as a historic structure, pursuant to the Uniform Code for Building Conservation;

8. All permits required under the California Building Code as adopted and amended by the City shall be obtained. The Community Development Director or designee shall review and determine prior to issuance of said permits that the plans conform to the above;

9. Plans existing in the City's archives shall be used to determine the size, location, use, and configuration of nonconforming buildings and structures. Notwithstanding anything to the contrary above, if a property owner proposes to rebuild the building or structure in accordance with the City's archive plans, a building permit shall be the only required permit or approval. However, any exterior alterations shall be subject to design review, if such review would normally be required by the Santa Barbara Municipal Code. If plans do not exist in the City's archives, the City shall send a notice to all owners of property within 100 feet of the subject property, advising them of the details of the applicant's request to rebuild, and requesting confirmation of the size, location, use, and configuration of the nonconforming building that is proposed to be rebuilt. The public comment period shall be not less than 10 calendar days as calculated from the date that the notice was mailed.

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10. The reconstruction, restoration or rebuilding shall commence within a period of one (1) year, and completed within two (2) years. The applicant shall demonstrate due diligence to complete the proposed reconstruction as determined by the Community Development Director. (Ord. 5451, Section 5, 2008; Ord. 5072, 1998; Ord. 4851, 1994; Ord. 3916, 1977; Ord. 3915, 1977; Ord. 3710, 1974.)